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Subject: EPA Mid-Atlantic Region Headlines -- Thursday, December 10, 2015

EPA Mid-Atlantic Region Headlines

Thursday, December 10, 2015

***** DAILY HOT LIST *****

Commentary: Delaware's cleanest coal fired power plant in cross hairs

WILMINGTON NEWS JOURNAL (Wednesday) The Indian River Power Plant in Millsboro is in the cross hairs for closure. NRG Corporation invested \$360 million in air pollution control technology a few years ago and it is now tied for the cleanest burning coal plant in the country. NRG also closed three smaller generation units, reduced cooling water intake, and spent money capping a coal ash storage area. Despite these efforts, it is the last coal-burning power plant in the state and environmental groups want to close it. Closing this power plant will hurt in several ways. The produced power will have to be replaced by importing power from out of state, probably from another coal fired plant. A longer transmission distance means using more energy and spending more money just to bring energy to the public. Train service to the southern peninsula is largely dependent on coal shipments so service may suffer. Voltage quality is already marginal in Sussex County and will probably become worse. Dozens of high paying jobs will be lost as will the tax revenue generated by the power plant and its employees. The loss of the Indian River power plant will leave Delaware 100 percent reliant on natural gas fired power plants for reliable power. Twice in the last several decades natural gas supplies have become so tight nationally its use has been restricted and prices have soared. Tight natural gas supplies almost caused blackouts last year. We need fuel diversity.

State attorney general sues Chesapeake Energy over gas royalties

PITTSBURGH POST-GAZETTE HARRISBURG — The Pennsylvania Attorney General's office is suing Chesapeake Energy Corp. and three of its affiliated companies for allegedly underpaying landowners tens of millions of dollars worth of royalties from the company's natural gas operations in the state. The lawsuit, which was filed Wednesday in the Bradford County Court of Common Pleas, accuses Oklahoma City-based Chesapeake of deceiving landowners as it sought to secure a broad leasehold in the gas-rich Marcellus Shale, especially in northeastern Pennsylvania. When wells on those properties began producing gas, the company made deductions from royalties that the landowners said violated the terms of their leases. The case also names as a defendant Tulsa-based Williams Partners, LP, which acquired Chesapeake's former gas gathering pipelines and other infrastructure. Attorney General Kathleen Kane said the company's conduct "amounts to a 'bait-and-switch.'" The lawsuit claims Chesapeake empowered its landmen to use deceptive and high-pressure negotiating tactics to get landowners to sign leases.

Dominion seeks Virginia OK to dump water from coal ash sites

ASSOCIATED PRESS RICHMOND — Dominion Virginia Power is seeking state approval to daily dump millions of gallons of treated coal ash wastewater from ponds at two power plants into the James River and into a creek feeding the Potomac River. However, environmental and river protection groups, as well as some legislators, oppose the plan. They say a draft permit issued by the Virginia Department of Environmental Quality is deeply flawed and the releases will harm the rivers. Among other things, they want more stringent limits on toxic metals and pollutants. The so-called dewatering should be studied further “to do this right from the outset to set a strong, protective precedent for our state,” three legislators said in a letter to the DEQ. They want an extension in the public review period. The department is evaluating the request, DEQ spokesman William Hayden wrote in an email Monday. The second of two hearings on the proposal is scheduled Tuesday in Woodbridge before the State Water Control Board, which has final say on the discharges. In response, Dominion defended its dewatering plans and said it would follow new rules established by the DEQ. It also said it prefers no delays. “This process is all about getting these ponds closed ... so we certainly would rather do that sooner than later,” said Cathy Taylor, Dominion’s director of electric environmental services. The proposed release of waste- and storm-water is among the steps Dominion is taking to close 11 coal ash impoundments at current and former coal-fired energy plants. The company is seeking permits at Bremo Power Station along the James River in Fluvanna County and Possum Point Power Station in Dumfries, near the Potomac River.

Interview: Karl Brooks Is Tasked With Bolstering EPA's Depleted Ranks

BNA DAILY ENVIRONMENT REPORT Karl Brooks, EPA acting assistant administrator for the Office of Administration and Resources Management, tells Bloomberg BNA reporter Anthony Adragna that the agency will have 15,000 employees heading into fiscal year 2016 and that most divisions are “pretty much where they wanted to be” in terms of staffing. This comes after nearly 800 career staff took voluntary retirement packages by the end of fiscal year 2014, leaving the agency with the smallest staff in decades.

The top five things federal managers should do to make their staff happy

WASHINGTON POST Now that the Best Places to Work in the Federal Government rankings are out and agencies are poring through the employee survey they’re based on, acting personnel chief Beth Cobert has some suggestions for government leaders: Five ways to help make your employees feel engaged in their work. “We know that employee engagement is a leading indicator of excellent performance,” Cobert, acting director of the Office of Personnel Management, wrote in a blog post on Thursday, reflecting the Obama administration’s year-long focus on improving morale on the theory that more satisfied employees will serve the public and do their jobs better. After hitting a four-year low in 2014, federal employees’ overall satisfaction with their leaders and supervisors and work experience rose 1.2 points this year to 58.1 percent. “Progress and results like this do not happen by accident,” Cobert wrote. “It takes hard work and leadership throughout an organization, and I salute the agencies across government that have taken this challenge seriously.” Here are Cobert’s five drivers of better employee engagement (we’ve annotated below each one to cut through the bureaucratese):

PENNSYLVANIA

PHILADELPHIA INQUIRER

Commentary: Dispute over reform kills conservation program It's hardly news that Congress regularly gets approval ratings at a level reserved for the least trusted professions, like used-car salesmen. But a recent tiff over a small reform to a popular program shows just how little can get done in Washington gridlock. The Land and Water Conservation Fund (LWCF), a 50-year-old federal program, recently died because Congress failed to reauthorize it. The program, which was created in 1965 and receives revenue from offshore oil and gas leases, provides funding for the federal government to buy land and for states to spend on recreation projects. In Pennsylvania, for instance, it has contributed \$2 million to establish the Great Allegheny Passage in Allegheny County. Understandably, it's a popular program. So why did it die?

Like many programs in Washington, the fund drifted from its intent. Originally, 60 percent of the money was earmarked for states. But in the 1970s, the fund was changed to allow a greater share of revenues to be spent on land acquisition. At the time, there was a backlog of lands that the federal government wanted to buy, so the change made some sense. Fast-forward to today, when the problem has changed. Now the federal government can't take proper care of the land it owns. The National Park Service is responsible for more than \$11 billion in estimated deferred maintenance, while the Forest Service faces more than \$300 million in backlogged trail repairs.

Interactive Map: NJ's Potential Pollution Risks over the Coming Decades Scientists predict that as a result of global warming sea levels along New Jersey's coast could rise 17 inches by 2050 and three-and-a-half feet by the end of the century -- an eventuality compounded by the fact that the Jersey Shore is slowly sinking. That will greatly increase the likelihood of flooding along the coast and tidal rivers, even without more severe storms like Hurricane Sandy. Once storm surge from potential hurricanes and nor'easters is added to the mix, thousands of additional polluted and industrial sites near the water's edge could be at risk of spreading contamination. Using data from Surging Seas, a project of Climate Central, we've mapped nearly 1,700 New Jersey sites listed in the EPA's Facility Registry Service that are within five feet of sea level and thus potentially vulnerable over the coming decades

Aspiring 'Amazon of energy' buys King of Prussia oil transporter A central Pennsylvania energy company that aspires to become the "Amazon of energy" is expanding its presence in the Philadelphia area with the acquisition of a King of Prussia oil transporter. Shipley Energy, of York, a jack-of-all-trades fuel dealer that markets a broad range of energy products in 13 states, announced that it had acquired Gleba Inc., a bulk-petroleum trucking company that primarily delivers ethanol to fuel terminals for blending into finished gasoline.

PITTSBURGH POST-GAZETTE

State attorney general sues Chesapeake Energy over gas royalties HARRISBURG — The Pennsylvania Attorney General's office is suing Chesapeake Energy Corp. and three of its affiliated companies for allegedly underpaying landowners tens of millions of dollars worth of royalties from the company's natural gas operations in the state. The lawsuit, which was filed Wednesday in the Bradford County Court of Common Pleas, accuses Oklahoma City-based Chesapeake of deceiving landowners as it sought to secure a broad leasehold in the gas-rich Marcellus Shale, especially in northeastern Pennsylvania. When wells on those properties began producing gas, the company made deductions from royalties that the landowners said violated the terms of their leases. The case also names as a defendant Tulsa-based Williams Partners, LP, which acquired Chesapeake's former gas gathering pipelines and other infrastructure. Attorney General Kathleen Kane said the company's conduct "amounts to a 'bait-and-switch.'" The lawsuit claims Chesapeake empowered its landmen to use deceptive and high-pressure negotiating tactics to get landowners to sign leases. The company later entered into self-serving agreements with its pipeline units that allowed for "artificially inflated" and "unreasonably excessive" post-production costs to be passed on to landowners, which radically diminished the landowners' payments for the gas sold from their properties, the lawsuit claims. The tactics were seen as necessary so that Chesapeake could generate cash "to cover losses, debt service or negative cash flow" caused by the company's past practices, according to the suit. The company has been accused of similar tactics in lawsuits in several other states. The attorney general's office said the lawsuit seeks restitution for thousands of leaseholders, along with civil penalties of \$1,000 for each violation of the Unfair Trade Practices and Consumer Protection Law and penalties of \$3,000 for each violation involving a person 60 years old or older.

PITTSBURGH TRIBUNE REVIEW

Pennsylvania accuses Chesapeake of cheating landowners on gas royalties The state is seeking restitution that could amount to "tens of millions of dollars" in a lawsuit against Chesapeake Energy Corp. and its affiliates for allegedly underpaying landowners royalties from fracking leases. The lawsuit, which was Filed in the Bradford County Court of Common Pleas on Wednesday, alleged that Chesapeake and its affiliates engaged in deceptive practices to secure fracking leases from Pennsylvania landowners in its rush to lock up acreage in the Marcellus shale. The lawsuit stemmed from an investigation into numerous landowners' complaints filed with the State Attorney General's Office, spokesman Jeffrey A. Johnson said. Among the allegations were that Chesapeake paid royalties that were less than what the company had promised landowners. Oklahoma City, Okla.-based Chesapeake denied the allegations. "We strongly disagree with Attorney General (Kathleen) Kane's baseless allegations and will vigorously contest them in the appropriate forum," Chesapeake said in a statement. There are at least 4,000 landowners represented in the lawsuit

filing but there could be more, Johnson said. "That's part of our hope from today's filing, is that other people who were impacted by the alleged conduct will come forward," he said. The company could be paying tens of millions of dollars in restitution alone, if the state prevails in the case, he said.

STATE IMPACT PENNSYLVANIA

Attorney General sues Chesapeake Energy for 'deceptive' gas leases State Attorney General Kathleen Kane's office filed a lawsuit Wednesday against Chesapeake Energy, seeking millions of dollars for Pennsylvanians who leased land to the company for fracking. The Oklahoma City-based driller is one of the most active in Pennsylvania. It was an early adopter of fracking and touts itself as the nation's second largest producer of natural gas. It's also been widely accused of unfair business practices— including using below-market gas prices, making improper deductions from royalty payments, and misreporting gas production data. Kane spokesman Jeff Johnson says the lawsuit could affect more than 4,000 Pennsylvania landowners who signed leases with the company. "It could conceivably be in the tens of millions of dollars," he said. Chesapeake Energy spokesman Gordon Pennoyer called the allegations "baseless" in an email to StateImpact Pennsylvania. He said the company, "will vigorously contest them in the appropriate forum." Chesapeake is currently defending similar lawsuits related to royalty underpayment in at least half-a-dozen other states. It has also been subpoenaed by the federal Department of Justice and U.S Postal Service for information relating to its royalty payment practices. Kane's office filed the lawsuit Wednesday in Bradford County Court, where Chesapeake conducts most of its Pennsylvania operations. It accuses the company of violating the Unfair Trade Practices and Consumer Protection Law. It alleges the driller engaged in deceptive practices—promising landowners royalty money it never paid.

HARRISBURG PATRIOT NEWS

Local officials spend a lot of time thinking about sewage — here's why Nobody likes to talk about what happens when a toilet flushes. It's something comedians joke about or maybe someone's eyes flit over it in the news. But for most, sewage is a fleeting thought, gone as soon as the last swirls of water go down the drain. Recently, though, it's been on local officials' minds and a presence in their meetings, whether they want to talk about it or not. Beneath buildings and streets snake miles and miles of pipes that transport "used" water flowing from drains and toilets to a wastewater or sewage treatment facility, where it's sanitized and then may be dispensed as clean water in sinks, showers and even toilet bowls. And though it doesn't have the same sexiness that other local issues — like say, taxes — have, it's becoming increasingly important to many public officials. Why? Why else? Money. It's why some places, like Fairview Township in York County and Middletown, have made deals with private companies in recent years. It's why New Cumberland and Lemoyne are looking at their options for what to do with their sewer systems. Keeping a sewer system up to environmental standards is an expensive venture, to say the least, and with regulations expected to continue increasing, municipalities are seeing it as a burden for their often-small tax bases. With no help from the state, so far, local officials see themselves facing the same question over and over again: How are we going to pay for this? The first wastewater treatment plants date back to the 1800s and the advent of the modern, flushable toilet. Now, there are almost 16,000 around the country.

AG Kane sues gas producer for 'deceptive practices' in fracking industry The Pennsylvania attorney general is suing one of the country's largest natural gas producers, claiming it cheated thousands of landowners out of royalty payments. Oklahoma-based Chesapeake Energy Corp. pulled "a bait-and-switch," according to Attorney General Kathleen Kane, and deceived landowners as they rushed to secure land during the Marcellus Shale boom. Landowners in Bradford County were deceived in thousands of transactions, she said. They were promised certain amounts of royalties in exchange for drilling on their land, but received lower amounts once wells started producing gas, according to the lawsuit. Kane's office is seeking restitution for thousands of consumers, civil penalties and legal costs. "This lawsuit should serve as notice that we will not allow our residents to be exploited," Kane said in a press release Wednesday. The lawsuit was filed in the Bradford County Court of Common Pleas and is the result of an investigation by the AG's office and Bureau of Consumer Protection. The investigation focused on counties in northern Pennsylvania, according to the news release. As part of the investigation, the AG's office examined "the fracking industry to identify the unfair methods of competition and alleged deceptive acts or practices in violation of the Unfair Trade Practices and Consumer Protection Law," according to the release. The lawsuit also includes Chesapeake's affiliates, including Williams Partners LP, which is building the Atlantic Sunrise pipeline through Lancaster County.

ASSOCIATED PRESS (Pa.)

Sewer Plant Helps Create Snow Near State College STATE COLLEGE, Pa. (AP) - A sewer plant helped create a winter wonderland for a 3-square-mile area in central Pennsylvania. The National Weather Service in State College says a layer of dense fog mixed with condensation from a local sewer plant overnight Monday, creating a dusting of light snow in a small section east of State College. The snow fell over roughly 3 square miles near the Nittany Mall. The weather service calls the process a "microscale event" - too isolated to be captured by local weather reporting stations. The dusting was a rare, if brief, winterscape for a region in the midst of an unseasonably warm and snowless fall.

WASHINGTON, D.C.

WASHINGTON POST

The top five things federal managers should do to make their staff happy Now that the Best Places to Work in the Federal Government rankings are out and agencies are poring through the employee survey they're based on, acting personnel chief Beth Cobert has some suggestions for government leaders: Five ways to help make your employees feel engaged in their work. "We know that employee engagement is a leading indicator of excellent performance," Cobert, acting director of the Office of Personnel Management, wrote in a blog post on Thursday, reflecting the Obama administration's year-long focus on improving morale on the theory that more satisfied employees will serve the public and do their jobs better. After hitting a four-year low in 2014, federal employees' overall satisfaction with their leaders and supervisors and work experience rose 1.2 points this year to 58.1 percent. "Progress and results like this do not happen by accident," Cobert wrote. "It takes hard work and leadership throughout an organization, and I salute the agencies across government that have taken this challenge seriously." Here are Cobert's five drivers of better employee engagement (we've annotated below each one to cut through the bureaucratese):

Who gets sent home if the government shuts down *Note: This story and graphic have been updated. They originally ran on Sept. 22, 2015, before Congress approved a temporary funding measure to avert a government shutdown. The legislation expires this week, leaving Congress faced with the same spending issues that went unresolved earlier this fall.* The burden of a government shutdown would not fall evenly across federal agencies. Here's the percentage of workers who would be furloughed at Cabinet-level departments, according to contingency plans. The calculations for who stays and who goes are based on whether an employee's salary is paid through an annual spending bill from Congress or the job involves safety, security or another operation the government considers essential.

If the government shuts, don't plan on visiting Yellowstone, financing your home or getting your tax refund *Note: This story has been updated. It originally ran on Sept. 23, 2015, before Congress approved a temporary funding measure to avert a government shutdown. The legislation expires this week, leaving Congress faced with the same spending issues that went unresolved earlier this fall.* Old Faithful would erupt with no one watching, because Yellowstone National Park and 407 others would close to the public.

Editorial: The Washington Post reaches the end of an era, but its mission remains WE OFTEN resembled a big, sprawling family at The Post, a clan of wise elders, rambunctious youngsters and generations in between, filling our tan-brick headquarters at 1150 15th St. NW with bustle and emotion, drama and purpose. We leave our home this weekend, the walls still echoing our delight and anguish during 43 years when we sometimes felt at the very epicenter of the world. As with any family moving out of the old house, the closets are full of memories. The hulking headquarters, which our former publisher Katharine Graham built but never much admired, opened in 1972 and was for most of its life both factory and office. (From 1950 to 1972, The Post resided in a building at 1515 L St., which was joined to the later structure.) Corporate executives sat on the upper floors, the presses below, and, in between, the business departments and the "newsroom," all those who forged the words and images. For all of us who contributed, there was something almost magical upon leaving the building late in the evening to see, through the towering lobby windows, the presses shaking and rumbling. Homebuyers would find their mortgage applications stalled because the offices they need to approve paperwork for loans would be shuttered. And the Centers for Disease Control and Prevention would have to stop monitoring the spread of the flu to direct vaccines where they are needed.

Cartoon: Republicans face another challenge on climate change

DELAWARE

WILMINGTON NEWS JOURNAL

Commentary: Delaware's cleanest coal fired power plant in cross hairs (Wednesday) The Indian River Power Plant in Millsboro is in the cross hairs for closure. NRG Corporation invested \$360 million in air pollution control technology a few years ago and it is now tied for the cleanest burning coal plant in the country. NRG also closed three smaller generation units, reduced cooling water intake, and spent money capping a coal ash storage area. Despite these efforts, it is the last coal-burning power plant in the state and environmental groups want to close it. Closing this power plant will hurt in several ways. The produced power will have to be replaced by importing power from out of state, probably from another coal fired plant. A longer transmission distance means using more energy and spending more money just to bring energy to the public. Train service to the southern peninsula is largely dependent on coal shipments so service may suffer. Voltage quality is already marginal in Sussex County and will probably become worse. Dozens of high paying jobs will be lost as will the tax revenue generated by the power plant and its employees. The loss of the Indian River power plant will leave Delaware 100 percent reliant on natural gas fired power plants for reliable power. Twice in the last several decades natural gas supplies have become so tight nationally its use has been restricted and prices have soared. Tight natural gas supplies almost caused blackouts last year. We need fuel diversity.

Task force wants to create jobs through public works It is taught in history classes across the country – when America was struggling through the Great Depression, President Franklin Delano Roosevelt's administration created the Works Progress Administration and other programs that built roads, bridges and buildings as a way to create jobs. Some state officials want to see Delaware do something similar. The Work a Day Earn a Pay task force, made up of lawmakers, government agency officials and business and community leaders, was created by the General Assembly to come up with a potential pilot program that would provide jobs for unemployed Delawareans to build public works projects. It released a report Wednesday that gave some details on that pilot. The proposal would provide about 160,000 hours of employment at wages between \$10 and \$15 an hour. It would cost about \$2 million, including \$100,000 that would be provided by private companies for supplies, materials and transportation. Participants would have to be 16 or older, show a willingness to work and be drug and alcohol free. The program would start in May so that it could be up and running by the start of the next fiscal year. If the pilot is successful, the program could be scaled up. Jobs these workers could perform include things like renovating abandoned houses in urban areas, cleaning up rivers, streams and public parks, or even building a natural gas pipeline to connect the northern and southern parts of the state. "This begins to build a bridge over troubled waters for our young adults who are ready, willing and able to work but simply don't have any opportunities," said Sen. Robert Marshall, who sat on the task force and sponsored the bill to create it. Marshall is running for mayor of Wilmington next month. He said unemployment, which is worse in urban areas, is one contributing factor to the violence cities like Wilmington and Dover see. "The meltdown of our economy in 2008 has created many of the crime problems we are faced with today," Marshall said.

Wilmington home condemned after carbon monoxide leak

DELAWARE CAPE GAZETTE

Delaware Nature Society official to speak at state park friends' meeting Jan. 9 The Friends of Cape Henlopen State Park will hold their annual meeting for 2016 beginning at 9 a.m., Saturday, Jan. 9, at the Biden Center. Friends President Linda Gaskill notes that this meeting is a perfect opportunity for people who are unfamiliar with the park to learn about the range of available activities and also a chance for veterans of the park to expand their knowledge of its history and what is available. Memberships for both old and new Friends will be available at the meeting, as well as the Friends' signature hats and shirts. After coffee and donuts, there will be an update at 9:30 a.m. on park activities sponsored by the Friends and others, followed by the election of new officers. At 10:30 a.m., Brenna Goggin, advocacy manager for the Delaware Nature Society, will give a presentation on issues related to the state's water quality, how additional funding for clean water initiatives would have a positive impact in Delaware for generations to come and how to help make a difference. Launched in spring 2015, Clean Water: Delaware's Clear Choice campaign is an educational outreach effort to secure

funding for Delaware's waterways.

WDEL RADIO

VIDEO: Task force recommends Delaware implement 1st statewide public works program A state task force recommended that Delaware be the first in the nation to launch a statewide public works program that would provide training and day labor jobs for a variety of beautification and repair projects. Delawareans ages 17 and up would be eligible to take part in the Work-a-Day, Earn-a-Pay (WDEP) pilot program proposed to begin in May, using summer as a time to recruit workers for the programs. Participants could hail from anywhere in the state, but must remain committed to being drug- and alcohol-free. The jobs would pay between \$10 and \$15 per hour. "There are a large number of people who want to work, who want to have an opportunity, but who are bound by the chains of poverty, education, and despair," said George Krupanski, president and CEO of the Boys and Girls Club of Delaware, who led the WDEP task force. State Senator Bobby Marshall (D-Wilmington West), a Wilmington mayoral candidate, also spearheaded the task force that held two months of public hearings and released a report Wednesday full of recommendations for the General Assembly to consider in January 2016. "The goal will be that we clean up the rivers, we clean up streams, parks...get into housing renovation," said Marshall in the Helen Chambers Park in Wilmington's West Center City section.

WEST VIRGINIA

CHARLESTON GAZETTE-MAIL

WV reacts to possible merger of chem giants Dow and DuPont West Virginia officials anxiously await information about possible merger discussions between Dow Chemical Co. and DuPont, two of the region's larger chemical manufacturers. On Wednesday, national news media, starting with The Wall Street Journal, published reports about unannounced negotiations to combine the two chemical giants, both of which operate facilities in the Mountain State and employ hundreds of its residents. Neither company would comment on the reports, but news of Dow and DuPont possibly uniting their operations sent shares for both companies skyrocketing by more than 10 percent Wednesday. Communications staff members for both companies responded to interview requests with email messages stating that they "do not comment on rumor and speculation." The reports of the two companies possibly merging are just the latest news to affect the chemical manufacturing industry in West Virginia. It follows the recent finalization of DuPont's long-awaited spin-off of its "performance chemical" segment into the independent Chemours Company. In July, DuPont announced the completion of that spin-off, which included a transfer in ownership of a large part of the former DuPont manufacturing plant in Belle and about half of the company's Washington Works plant, south of Parkersburg. The possible merger talks also come a decade and a half after Dow finalized its takeover of Union Carbide, in 2001. As part of that deal, which had big impact on the Kanawha Valley region, the Michigan-based company took over Carbide's plants in South Charleston and Institute.

Photo: Water line that runs under Kanawha River to be replaced A towboat holds a barge steady as a crane uncovers a waterline Wednesday afternoon between MacCorkle Avenue and the Kanawha River, in Charleston. Workers from Tri-State Pipeline, of Barboursville, plan to begin replacing the old waterline, which crosses under the Kanawha River to Kanawha Boulevard.

MARYLAND

BALTIMORE SUN

A flight to Tangier Island with former Sun photographer Edwin Remsberg In 1986, Edwin Remsberg, a former Baltimore Sun photographer, was assigned to photograph the Holly Run to Tangier Island, Va. — a small island in the Chesapeake Bay, only accessible by boat or plane, a little more than one square mile, with a population of just over 700. Now here I was, Edwin's former intern, doing the same assignment 29 years later with him as my pilot. I'd be lying if I said I wasn't afraid of heights, yet there I was climbing into a single-engine airplane to fly over the Bay to the island. The cabin of the white and red-striped plane was smaller than the inside of my subcompact car; it had just enough room for two (of average size). I had two cameras with me, equipped with 16-35mm and 100-400mm lenses. There was no room for a camera bag. We popped out the back windows of the airplane so I could have more room to photograph the aerial views of the islands during the flight. For the next hour I was strapped into a red seat with wind swirling around me. The flight was a lot smoother than I expected. That fear of heights simmered as I focused on not letting my extended 400mm lens get ripped out of my mitten-clad hands. Imagining the splash of the camera into the green tides below was enough to make any photographer forget about their fear of heights. This was not the same Chesapeake Bay I had been familiar with all my life, but a new one — one that showed a mixed palette of sea greens, blues and grays. I could see the rock formations, patterns and the curl of the rivers through the marshlands. From the sky, everything looked intentionally placed. Miles above land, my photographs resembled an active petri dish or some type of abstract art — far from the same roads and marshlands I traveled with my parents to vacation as a child. Tracking down Edwin's original negatives of the aerial views from 1986 required a bit of detective work but they were eventually found thanks to Sun librarian Paul McCardell and the librarians at UMBC, who keep the archives of Sun negatives. They were scanned over to me just in time.

CHESAPEAKE BAY PROGRAM

Blog: Urban farms offer novel approach to stormwater management Stormwater runoff, or rainfall that picks up pollutants as it flows across paved roads and parking lots, is the fastest growing source of pollution into the Chesapeake Bay. But urban farms may offer an innovative way to manage that polluted runoff, according to a report from American Rivers. Image by Arina P Habich/Shutterstock Green infrastructure—such as rain gardens, green roofs and porous pavement—uses soil and vegetation to help slow the flow of runoff and manage rainwater where it falls. These projects can also offer benefits like cleaner air, reduced energy use and a boost in property values. According to the report, urban farms can offer not only the typical benefits of green infrastructure projects, but also benefits like improved nutrition and increased access to green space. The report includes a list of ten recommendations for promoting the use of urban farms to manage stormwater runoff, such as providing training and funding opportunities for farmers, identifying vacant lots that could be converted to farms and updating city zoning codes to allow for urban agriculture. The report, Urban Farms: A Green Infrastructure Tool for the Chesapeake Bay, is available online.

ANNAPOLIS CAPITAL GAZETTE

Water access advocates reflect on initiative's successful year Advocates for more public water access in Anne Arundel County celebrated their efforts to open more kayak and canoe launches as officials continue to plug away at the initiative. Rick Anthony, head of the county's Recreation and Parks Department, said Wednesday the county has created a committee to look at establishing a regional park on the Mayo Peninsula. Notes from a recent meeting will be sent to a consultant who will suggest the best ideas for how to use \$200,000 set aside to develop Mayo Beach, South River Farm Park and Beverly-Triton Beach Park into a regional facility. Anthony said assembling an informal group will allow the process to "go a lot quicker." County Executive Steve Schuh said he wants to open more public swimming beaches in 2016. State law requires that waterways be tested and running water be available at facilities where the public may swim. So far, Anne Arundel County only formally allows the activity at Mayo Beach. In past months, the county and residents helped open Spriggs Farm Park and Beachwood Park as the first public water access sites on the Magothy River. The county is also preparing to open its first public boat ramp at Fort Smallwood Park in Pasadena next spring. Mike Lofton, the chairman of the county's Public Water Access Committee, said during a meeting Wednesday it's likely the county will look to Discovery Village in Shady Side for its next public boat ramp project. Anthony said negotiations to lease the property from a private owner are ongoing.

CHESAPEAKE BAY JOURNAL

Crediting land conservation toward Bay cleanup goals gains traction Studies show that it's less costly to prevent

pollution than to offset it. The pressures of population growth in the Bay watershed continue to change its landscape, transforming forests and agricultural fields into roads, housing developments and shopping centers. The state-federal Bay Program partnership estimates that about 400,000 acres of forest — more than twice the area of Shenandoah National Park — will be lost to development between 2006 and 2025, sending an additional 8 million pounds of nitrogen to the Bay. That loss of forest, in other words, means states will need to achieve 10 percent more nitrogen reductions than originally planned in the next decade. That is why some believe it is time to find incentives that help keep high-quality forests growing trees, instead of buildings. “Forests have been recognized as one of the best land uses for meeting our water quality objectives,” said Greg Evans of the Virginia Department of Forestry. “But if they are so good, why is no credit being given for conserving them?”

Commentary: Climate change getting more personal; now's not the time to tread water When the effort to bring climate change into the consciousness of the U.S. public began in earnest, the images were a series of melting glaciers with polar bears floating on islands of ice: beautiful creatures in a stark landscape that looked nothing like the place most of us call home. It was initially challenging to make this issue personal — to communicate how carbon pollution was dramatically changing the future of the planet. Anyone who lives along the East Coast, in particular the low-lying mid-Atlantic, no longer struggles with this abstraction. The realities of climate change are literally sinking in with weekly images of flooding, discussions of the next big storm or sophisticated maps outlining the new edges of the coast.

VIRGINIA

POTOMAC LOCAL

Residents on Potomac River Coal Ash Plan: We weren't notified Virginia environmental officials took questions Tuesday night from the public about a plan to treat toxic water and drain it into the Potomac River. Residents who live near Dominion Virginia Power's Possum Point Power Station outside Dumfries and across from Quantico say they're fearful of the plan, which could lead to higher than normal levels of heavy metals in Quantico Creek and Potomac River that would flow downstream to the Chesapeake Bay. Those waters would be drained from a large coal ash pond at the power plant called “D pond.” Coal ash is what's left behind after coal is burned to create electricity. Possum Point switched to gas technology and stopped burning coal in 2003. Coal ash has been stored in water ponds at the site since the 1950s. Dominion says it must get the water out of “D Pond” before it can cap and close it. Virginia's Water Control Board is set to vote January 14 on final approval of a permit, written by the state's Department of Environmental Quality that will set limits on the levels of toxic materials allowed in the water if the toxic water treatment and drainage begins. DEQ will stop accepting public comments on the permit on December 14. A toe drain at Possum Point has been draining water from a coal ash pond, groundwater from a natural dam containing the water in the coal ash pond, and storm water, for about 50 years, said Virginia DEQ spokesman Bryant Taylor. The draft permit does not set safe limits on the amount of heavy metals that may come out of that drain. It does set maximum limits on 14 “toxics” commonly found in coal ash, including arsenic, cadmium and zinc. The permit will require monitoring of sediment and water at the toe drain site to occur weekly. Dominion must monitor levels of heavy metals and report back to state officials, per the permit written by DEQ. “We've done tests in the area of the toe drain that show higher than normal toxins in the water, and you have that data,” Potomac River Keeper Vice President Nick Nutter told Virginia Department of Environmental Quality officials. The tests of sediment and water taken around the toe drain do show higher than permitted levels of heavy metals, but there is some “uncertainty to that data,” added DEQ officials.

ASSOCIATED PRESS (Va.)

Dominion seeks Virginia OK to dump water from coal ash sites RICHMOND — Dominion Virginia Power is seeking state approval to daily dump millions of gallons of treated coal ash wastewater from ponds at two power plants into the James River and into a creek feeding the Potomac River. However, environmental and river protection groups, as well as some legislators, oppose the plan. They say a draft permit issued by the Virginia Department of Environmental Quality is deeply flawed and the releases will harm the rivers. Among other things, they want more stringent limits on toxic metals and pollutants. The so-called dewatering should be studied further “to do this right from the outset to set a strong, protective precedent for our state,” three legislators said in a letter to the DEQ. They want an extension in the public

review period. The department is evaluating the request, DEQ spokesman William Hayden wrote in an email Monday. The second of two hearings on the proposal is scheduled Tuesday in Woodbridge before the State Water Control Board, which has final say on the discharges. In response, Dominion defended its dewatering plans and said it would follow new rules established by the DEQ. It also said it prefers no delays. "This process is all about getting these ponds closed ... so we certainly would rather do that sooner than later," said Cathy Taylor, Dominion's director of electric environmental services. The proposed release of waste- and storm-water is among the steps Dominion is taking to close 11 coal ash impoundments at current and former coal-fired energy plants. The company is seeking permits at Bremon Power Station along the James River in Fluvanna County and Possum Point Power Station in Dumfries, near the Potomac River.

MISCELLANEOUS

EPA MID-ATLANTIC HEALTHY WATERS BLOG

BNA DAILY ENVIRONMENT REPORT

Interview: Karl Brooks Is Tasked With Bolstering EPA's Depleted Ranks Karl Brooks, EPA acting assistant administrator for the Office of Administration and Resources Management, tells Bloomberg BNA reporter Anthony Adragna that the agency will have 15,000 employees heading into fiscal year 2016 and that most divisions are "pretty much where they wanted to be" in terms of staffing. This comes after nearly 800 career staff took voluntary retirement packages by the end of fiscal year 2014, leaving the agency with the smallest staff in decades.

Obama Hasn't Received Carbon Resolutions to Veto More than a week after Congress passes two resolutions to nullify the centerpieces of President Obama's efforts to fight climate change domestically, several Republican aides say legislators haven't yet sent copies of the measures to the White House for a sure veto. Several current and former senior congressional aides tell Bloomberg BNA the procedural process necessary before sending bills to the president—known as enrollment—could be completed in as little as 24 hours but usually takes between five and seven days.

EPA Addressed Health Threats at Superfund Sites: IG The Environmental Protection Agency can show it has addressed imminent public health threats within six months at certain Superfund sites, according to a report released by its inspector general Dec. 9. The inspector general was referring to "time-critical" removal sites, for which removal actions must be initiated in less than six months. EPA estimates that 300 Superfund removals are conducted every year, with a budget of about \$100 million. In addition to time critical, the other two categories of Superfund removal are:

- Emergencies, where action is required within hours, and
- Non-time-critical, where a planning period of more than six months occurs before removal actions begin.

The purpose of the evaluation was to determine whether the EPA can provide documentation that "imminent and substantial endangerment threats" to public health at Superfund time-critical removal sites have been addressed, the inspector general said. The inspector general said it conducted its review because it issued a report in 2013—instigated by a hotline complaint—that found it was unclear whether the EPA had properly cleaned up contaminated soil during a time-critical removal action from certain residential properties in Cherryvale, Kan., because some EPA records were missing or incomplete.

VW: Carbon Dioxide Emissions Issues Not Widespread Irregularities with carbon dioxide levels and fuel consumption figures affect far fewer Volkswagen vehicles than the company previously thought. Volkswagen AG announces that almost all of the company's vehicles do correspond to their listed carbon dioxide emissions figures, which means the vehicles can continue to be marketed and sold by the automaker.

GREENWIRE

EPA: Former deputy, regional chief win leadership awards Two former senior U.S. EPA officials have been selected for a

prestigious environmental award. Bob Perciasepe, president of the Center for Climate and Energy Solutions and formerly the agency's longtime deputy administrator, and Mindy Lubber, president of Ceres and once a regional administrator for EPA's New England office, have won the 2016 William K. Reilly Award for Environmental Leadership, according to an announcement from last week. The Reilly Awards are given by the Center for Environmental Policy at the American University School of Public Affairs. They are named after Bill Reilly, President George H.W. Bush's EPA administrator, and honor individuals with stellar environmental careers. Dan Fiorino, director of the Center for Environmental Policy, said this batch of nominations was outstanding, which made the award committee's job difficult. "Both Mindy Lubber and Bob Perciasepe exemplify the Bill Reilly model of working across political and policy divisions to achieve innovative and measurable results," Fiorino said in a statement. Perciasepe was picked for his service in the public sector. He was EPA's No. 2 from 2009 to 2014, when the agency developed tougher auto emissions standards as well as the Waters of the U.S. rule and the Clean Power Plan. Perciasepe also has been the agency's assistant administrator for both its water and air programs. He also held the post of chief operating officer at the National Audubon Society and worked in state and municipal government as Maryland's secretary of the environment and as a senior planning official for Baltimore.

AIR POLLUTION: VW's CO2 emissions scandal may be smaller than feared Volkswagen AG said the number of vehicles with altered carbon dioxide levels is fewer than originally anticipated, news that increased the German carmaker's fallen shares by 5 percent today. Last month, the company said CO2 emissions and fuel consumption figures were likely adjusted in 800,000 cars; however, VW says that number is now closer to 36,000 affected vehicles. The carmaker already is facing the prospect of shelling out tens of billion of euros in fines for rigging diesel emissions levels, and news about altered CO2 emissions raised the possibility that the number would continue to climb. Initial estimates show the CO2 discovery could cost the company €2 billion (\$2.2 billion), although the figure won't be solidified until more information is discovered.

COAL: Appeals court sees 'no clear misconduct' by EPA A three-judge panel of the U.S. Court of Appeals for the 4th Circuit yesterday defended its reasons for blocking Murray Energy Corp.'s deposition of U.S. EPA Administrator Gina McCarthy. Late last month, Judges Diana Motz, Roger Gregory and Henry Floyd reversed a West Virginia District Court ruling saying the deposition could take place (*Greenwire*, Nov. 30). "It is well established that high-ranking government officials may not be deposed or called to testify about their reasons for taking official actions absent 'extraordinary circumstances,'" said an appeals court explanation filed yesterday. At issue in the lawsuit is Murray's assertion that EPA failed to properly study the potential economic impacts of recent rules as required by the Clean Air Act.

Republicans accuse Interior of covering for EPA on Colo. spill Natural Resources Committee Republicans blasted Interior Secretary Sally Jewell today for her agency's investigation into U.S. EPA's spill of polluted water from an abandoned Colorado mine spill last summer. The lawmakers were disappointed that the Bureau of Reclamation's technical assessment into the so-called Gold King mine spill didn't dig deeper into EPA's role or assign blame. "It gives us the appearance that the Department of the Interior apparently jointly decided by the EPA that these areas were beyond the scope of review," Wyoming Republican Rep. Cynthia Lummis said. The Reclamation report, released in October, said EPA could have prevented the spill by studying whether polluted water had accumulated at Gold King (*Greenwire*, Oct. 23). EPA has said such work would have been particularly difficult and costly compared with other sites. The report's authors noted that they did not think their task was to find who was at fault. An Army Corps of Engineers peer reviewer said he would have wanted to see more information about EPA's handling of Gold King.

ASSOCIATED PRESS

Clinton wins endorsement of federal workers' union WASHINGTON (AP) — Democratic presidential candidate Hillary Clinton on Thursday won the endorsement of a union representing federal workers, adding to her labor advantage over rival Bernie Sanders. American Federation of Government Employees union said it was backing Clinton, a former secretary of state, over the Vermont senator in the Democratic primaries. The union represents 670,000 workers in the federal government and District of Columbia government. "These are both great people, I want to say that up front, but Secretary Clinton is the most powerful, she is the one who could drive an agenda and be a fighter for federal employees," said J. David Cox Sr., the union's national president. Cox said Clinton was best positioned to help the union's workers achieve higher wages, and he noted the lack of a pay increase in three years. About 250,000 of the union's membership works in the Department of Veterans Affairs system. Cox said Clinton understood the value and mission of the VA, which has been under scrutiny following a scandal involving chronic delays for those seeking medical care or

processed claims. Both Clinton and Sanders met with the union's leadership last month. Cox said a poll of its membership showed Clinton with the support of two-thirds of the rank and file. Clinton has won the endorsements of nearly 20 unions and labor alliances, representing more than 11 million workers, including large unions representing teachers and state government workers around the nation.

NJ TODAY

Environmental Protection Agency spends \$91,000 to study & protect Monarch butterflies The U.S. Environmental Protection Agency has awarded a \$91,000 environmental education grant to Queens College to study and protect Monarch butterflies in New York City. "This innovative project will educate people of all ages about an important spring and summer visitor to New York City — Monarch butterflies," said Judith A. Enck, EPA Regional Administrator. "As beautiful as they are, Monarchs are also vulnerable to climate change and other environmental risks and the Queens College project will teach New Yorkers why they are important and how to help protect them." According to the U.S. Fish and Wildlife Service, North American monarch butterfly population declines are symptomatic of environmental problems that pose risks to their food production and habitats. It is more important than ever to improve the environmental conditions of these butterflies to prevent them from becoming extinct. The goal of the Metropolitan Monarch Alliance (MMA) is to establish and conduct a community program to study and protect Monarch butterflies in New York City. Monarch butterflies are threatened by climate change and the loss of Monarch "way stations" in the metropolitan area. Monarch way stations are sites containing a variety of nectar-producing plants, especially milkweed, a family of plants that is the sole host for Monarch butterfly eggs and caterpillars as well as a source of nectar for adult Monarchs. Queens College will use the EPA grant funding to conduct Monarch butterfly workshops for 150 elementary school teachers and 100 community members, with a goal of establishing Monarch butterfly way stations at five environmental education centers in Queens, Brooklyn, and the Bronx. Queens College will also help teachers from 25 schools to establish their own Monarch butterfly way stations to give students hands-on experience in caring for Monarchs.

NEW YORK TIMES

Delegates at Climate Talks Focus on Saving the World's Forests If a deal is reached, nations — particularly tropical countries — will have agreed to sharp reductions in deforestation, and in some cases to ending it.

Despite Push for Cleaner Cars, Sheer Numbers Could Work Against Climate Benefits PARIS — As United Nations climate conferees meet near here, Eric Feunteun wishes everyone could agree: If the world is going to curb climate change, there is no choice but to stop driving cars that burn fossil fuels. "If we want affordable, practical and fully green technology," Mr. Feunteun said in an interview in an office building on the edge of Paris, "the electric vehicle is the answer at this stage." Mr. Feunteun is hardly an unbiased source. He heads the electric car program at the French automaker Renault, which sells more electric vehicles in Europe than any other company — and with its Japanese alliance partner, Nissan, accounts for half the all-electric vehicles now on the world's roads.